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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,621	07/11/2001	Hisashi Tanaka	NEC01P078-TSF	7886
30743	7590	05/31/2006	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,621

Applicant(s)

TANAKA ET AL.

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In view of the Pre-Appeal Brief Conference held on 11/17/05, prosecution of this application is hereby reopened. Claims 1, 3, 5, 7 and 9-12 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senior (US 2002/0029171 A1) in view of Wiens (US 5,808,894).

Senior discloses a commodity selling system for allowing a user to purchase commodities through a network (page 5, claim 1, lines 1-3), said system comprising: user terminals, each used by a user for connection to the network (fig. 1, Internet Access, Home/Office), said user terminals having a mechanism for identifying one or more purchase candidate commodities for said user (page 4, [0065], 1-5); and a seller server which stores a time of selection of a purchase candidate commodity of said one or more purchase candidate commodities by a user at said user terminal and for storing information related to a plurality of purchase candidate commodities (fig. 1, Web Server), wherein each purchase candidate commodity is selected from a plurality of said commodities appearing on a Web page displayed at one or more user terminals (fig. 8, commodity catalog on the display, and wherein said user terminal displays said information and, if there is any said other information, said other information on said user terminal in response to

Art Unit: 3627

a request from said user terminal (page 5, claim 1, paragraphs A and B, fig. 11, History of purchase). Senior does disclose selecting an information related to the purchase of commodity; information is based from a group consisting of current price, delivery date, customized specifications, and accessories to be included with a purchase, does not explicitly disclose new information or changes related to a purchase candidate commodity that have occurred since said time of selection of said purchase candidate commodity but Wiens discloses information file that may be viewed by the customer at any time by selecting a menu choice such as “view recent price changes” or the like from the customer computer (col. 7, lines 5-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the updated information as taught by Wiens into the system of Senior because it would allow the customer to have constant access to the most recent prices, availability of services and products offered by the vendor and thus allow the customer to make better decisions concerning whether to purchase particular products or services.

Response to Arguments

4. Applicant's arguments filed on 11/17/05 have been fully considered but they are not persuasive.

Applicant argues that Senior does not teach or suggest “information which includes new information or changes related to a purchase candidate commodity that have occurred since said time of selection of said purchase candidate commodity.” In response to Applicant's arguments, the newly added reference (Wiens et al) is used to disclose such feature. Applicant's arguments are deemed unpersuasive, claims 1, 3, 5, and 7-12 are rejected.

Art Unit: 3627

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Laneau

Ronald Laneau
Examiner
Art Unit 3627

5/27/06

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